

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Nina Mickens	Team: Team # 2	CCRB Case #: 200900623	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 01/10/2009 10:45 AM	Location of Incident: § 87(2)(b)	Precinct: 28	18 Mo. SOL 7/10/2010	EO SOL 7/10/2010	
Date/Time CV Reported Mon, 01/12/2009 12:01 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 01/15/2009 11:37 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. SGT Flavio Rodriguez	00806	924407	028 PCT
2. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Cortney Allen	17212	921114	028 PCT
2. POF Angelica Salmeron	07116	939408	028 PCT
3. POM Leander Feaggins	17839	937868	028 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Flavio Rodriguez	Off. Language: Sgt. Flavio Rodriguez made remarks to § 87(2)(b) based upon race.	§ 87(2)(b)
B.SGT Flavio Rodriguez	Off. Language: Sgt. Flavio Rodriguez made remarks to § 87(2)(b) based upon her sex.	§ 87(2)(b)
C.SGT Flavio Rodriguez	Force: Sgt. Flavio Rodriguez used physical force against § 87(2)(b)	§ 87(2)(b)
D.SGT Flavio Rodriguez	Abuse: Sgt. Flavio Rodriguez entered § 87(2)(b) § 87(2)(b) in Manhattan.	§ 87(2)(b)
E.SGT Flavio Rodriguez	Force: Sgt. Flavio Rodriguez used physical force against § 87(2)(b)	§ 87(2)(b)
F. An officer	Force: An officer used physical force against § 87(2)(b)	§ 87(2)(b)
G. An officer	Force: An officer used a chokehold against § 87(2)(b)	§ 87(2)(b)
H.SGT Flavio Rodriguez	Discourtesy: Sgt. Flavio Rodriguez spoke obscenely and/or rudely to § 87(2)(b)	§ 87(2)(b)

Synopsis

On January 10, 2009, at approximately 3:13PM, Sgt. Flavio Rodriguez contacted the Internal Affairs Bureau via telephone (IAB Log# 09-01554) to report his interaction with § 87(2)(b). On January 11, 2009, § 87(2)(b) spoke with the investigating officer from IAB (IAB Log# 09-01684). The case was referred to the CCRB and received on January 15, 2009. § 87(2)(b) was contacted by the CCRB via telephone on January 22, 2009, at which time she provided a telephone statement. § 87(2)(b) and § 87(2)(b) were contacted by the CCRB via telephone on January 28, 2008, at which time they provided telephone statements that were consistent with § 87(2)(b)'s statement.

On January 10, 2009, at approximately 11:34AM, Sgt. Rodriguez knocked on the door of § 87(2)(b) in Manhattan. § 87(2)(b) lives at the residence with her uncle, § 87(2)(b), her grandmother, § 87(2)(b), her sister, § 87(2)(b), and daughter, § 87(2)(b), and three small children were home at the time. § 87(2)(b) answered the door and Sgt. Rodriguez inquired about an unidentified man who allegedly sold drugs to a person on the street and then ran up to § 87(2)(b)'s apartment. Sgt. Rodriguez was accompanied by two black male officers and a female officer who were dressed in uniform. Sgt. Rodriguez asked if he could enter the apartment to conduct a search. § 87(2)(b) stated that no one had run into her apartment and the only man in the house was § 87(2)(b). Sgt. Rodriguez called § 87(2)(b) a "black nigger" and "fucking ho" (Allegations A and B). As a result, § 87(2)(b) told Sgt. Rodriguez that he could not come inside without a search warrant. As § 87(2)(b) was closing her door, Sgt. Rodriguez punched her in the chest (Allegation C). Sgt. Rodriguez and the two black male officers entered the apartment (Allegation D). Sgt. Rodriguez knocked over § 87(2)(b) in an attempt to get to § 87(2)(b) (Allegation E). The black male officers interacted with § 87(2)(b). § 87(2)(b) stated that Sgt. Rodriguez had § 87(2)(b) on the floor and stepped on her back. An officer told § 87(2)(b) to shut up and then punched him (Allegation F). § 87(2)(b) stated that an officer grabbed him by the neck and placed him into the bathroom (Allegation G). The officer continued to choke § 87(2)(b) while in the bathroom. Sgt. Rodriguez told an officer to "take his § 87(2)(b) fucking ass downstairs (Allegation H)." § 87(2)(b) and § 87(2)(b) were arrested and taken to the 28th Precinct for processing.

§ 87(2)(b) was contacted eight times via telephone between January 22, 2009 and February 26, 2009. She made an appointment to appear at the CCRB on January 28, 2009 along with § 87(2)(b) and § 87(2)(b). § 87(2)(b) and her family did not appear for their interview and did not call in advance to cancel or to reschedule. § 87(2)(b) obtained an attorney and wanted to be interviewed in his presence. § 87(2)(b) was asked to contact her attorney and discuss possible dates to conduct interviews and then contact the CCRB. § 87(2)(b) was called several times and had not contacted her attorney. § 87(2)(b) and § 87(2)(b) were contacted via telephone five times between January 22, 2009 and February 11, 2008. § 87(2)(b) and § 87(2)(b) provided telephone statements on January 28, 2009. § 87(2)(b) and § 87(2)(b) stated that they would not provide any additional statements without § 87(2)(b)'s attorney being present. On February 18, 2009, § 87(2)(b) contacted the CCRB and asked the undersigned to appear at her attorney's office on the same date. Due to scheduling conflicts and short notice, it was explained to § 87(2)(b) that March 2, 3rd and 5th were days that an interview could be arranged. § 87(2)(b) contacted the CCRB via telephone on February 26, 2008 and stated that her attorney would be on trial and could not do interviews on the dates discussed. It was explained to § 87(2)(b) that she could do an interview without her attorney being present but a concrete date had to be set by February 27, 2009. As of the date of this report § 87(2)(b) and § 87(2)(b) have not contacted the CCRB. Two letters were mailed to § 87(2)(b) and § 87(2)(b) between January 28, 2009 and March 6, 2009 and the letters were not returned. § 87(2)(b) and § 87(2)(b) identified Sgt. Rodriguez after reading his name from his badge. § 87(2)(g)

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Investigator: Nina S. Mickens
Supervisor:
Reviewed by:
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